

C H A P. XXVI. cial Matter in Evidence; and, if the Plaintiff be non-suit, or discontinue his Action, or Verdict pass against such Plaintiff, or Judgment upon Demurrer, the Defendant shall have and recover double Costs.

Proviso, as to Escape. VI. **Provided** also, That nothing in this Act shall extend, or be construed to extend, to bar any Creditor, or Creditors, of the before-mentioned Prisoners, from having and maintaining any Action of Escape against any Sheriff, who hath permitted any Escape before the making this Act.

In case of Perjury. VII. **Provided nevertheless,** That in case any of the said Prisoners, shall, at any Time after making such Oath, or Affirmation, as aforesaid; be convict of wilful and corrupt Perjury thereupon, or of a wilful Breach, or Non-compliance with the Tenor of such Oath, or Affirmation, as aforesaid, that then the said Prisoner, shall, upon such Conviction as aforesaid, be wholly deprived of any Benefit intended to him, her, or them, by this Act, and shall, from thenceforth, be liable to be prosecuted for any Debt or Demands, whatsoever, in the same Manner as if this Act had never been made; any Thing to the contrary, notwithstanding.

Sheriffs Fees to be first paid. VIII. **Provided** also, That the respective Sheriffs, of the Counties aforesaid, shall be first paid and satisfied for their Imprisonment Fees, before any Creditor, or Creditors, shall have or receive any Share or Part of the Estates of the said Prisoners, respectively, or of the Produce thereof.

Notice to be given of the Sale of the Prisoners Estates, &c. IX. **And be it further Enacted,** That after Public Notice given, by Advertisements set up at the Court-House Door of the County, Thirty Days at the least, of the Sale of any the said Prisoners Lands, and Five Days at the least, of the Sale of any of the said Prisoners other Estate, the said Sheriffs, to whom any of the said Estates, Real or Personal, shall be surrendered, and delivered up, in pursuance of this Act, shall set up, and expose such Estates to Sale, by way of Public Vendue, in the Presence of One Justice of the Peace; and the Produce arising by such Sale, shall be, by the said Sheriffs, in Manner following, paid and satisfied, *That is to say,* after Satisfaction of the aforesaid Imprisonment Fees, that the Estate and Interest of the aforesaid Prisoners, respectively, upon which their Judgment Creditors, or on any claiming, or that shall claim under them, by Assignment, or otherwise, have, or shall have any Lien, or the Produce thereof, shall be, in the first Place, after Satisfaction of the Sheriffs, as aforesaid, applied to the Discharge of the said Creditors, according to the Order and Priority of their Judgments, and the Lien arising therefrom; and that the Residue of the Estate and Interest of the said Prisoners, respectively, or the Produce thereof, shall be distributed among all their Creditors, that shall apply therefor, within Thirty Days after the aforesaid Sale, in equal Proportion to their Demands.

Bonds, &c. belonging to the Prisoners to be assigned to the Sheriff. X. **And be it further Enacted,** That all the Accounts, Bonds, Notes, and other Demands, which any of the said Prisoners, have against any Person or Persons whatsoever, shall be, by the said Prisoner or Prisoners, assigned to the Sheriff, in whose Custody such Prisoner or Prisoners shall be, at the Time of their Discharge; and that such Sheriff, or Sheriffs, shall, and may maintain an Action, or Actions, on such Demands, as Assignee of such Prisoner or Prisoners, in his own Name. *Provided always,* That such Creditor or Creditors, require and demand such Sheriff to sue, and give to such Sheriff a Bond to indemnify him against any Charge that may accrue to him, by means of any such Suit; and, in case of Recovery, that then the Sheriff make Distribution of what shall be recovered, to the Person or Persons, giving him such Security as aforesaid.

Prisoners, if single, to be sold for Five Years. XI. **And be it further Enacted,** *by the Authority aforesaid,* That if any of the Persons intended to be relieved by this Act, are, and shall be of sufficient Ability of Body, to labour, such Person, or Persons, not having a Wife or Family,